

revealed that Defendant had not made contributions for all of the hours worked by member of Local 251. To date, Defendant has failed to remit the amount due to the Fund, as revealed by the audit. The amount due is \$3,022.92. (See Exhibit 1.)

4. For the period of June through August, 2004, Defendant failed to submit remittance reports and make any payments to the Fund. Accordingly, the amount due is \$1,640.80 (See Exhibit 2).

5. Contributions to the Fund are due by the 10th of the month following the month in which the work was performed. Pursuant to the Trust Agreement, interest is accrued at the rate of 1.5% per month. Interest on the unpaid contributions now stands at \$1,277.75. (See Exhibit 2).

6. Pursuant to the Employee Retirement Income Security Act, 29 U.S.C. §§1132 and 1145, the Court shall award a 20% penalty. This penalty is also provided for in the Fund's Trust Agreement. Penalties are in the amount of \$932.74. (See Exhibit 2.)

7. The Plan has thus far expended costs in the amount of \$290.00 and counsel fees in the amount of \$1,275.00 in prosecuting this action.

8. In light of the foregoing figures, the Plan requests that the Court enter judgment in the amount of \$8,439.21.

9. The foregoing is true and correct to the best of my knowledge.

Dated: May 16, 2005

I, Paul A. MacDonald, being first duly sworn, on oath depose and state that I have read the foregoing affidavit and that the factual allegations contained therein are true to the best of my knowledge and belief.

Paul A. MacDonald
Paul A. MacDonald

Subscribed and sworn to before me, by Paul A. MacDonald, this 16 day of MAY, 2005.

Lenny J. Sandreaux
NOTARY PUBLIC
My commission expires: 6/18/05

CERTIFICATION

I hereby certify that I caused a copy of the foregoing to be sent first-class mail, postage prepaid on this 21 day of May, 2005, to the following party of record:

Mr. John Rainha, President
Rainha Construction Corp.
57 Beach Rd.
Cumberland, RI 02864

Kenia Rainha

EXHIBIT 1



Teamster's Local 251 Health Services and Insurance Plan

PAYROLL COMPLIANCE REVIEW

REPORT

EMPLOYER NAME: Rainha Construction

ADDRESS: 10 Nate Whipple Highway Cumberland, RI 02864

DATE OF PAYROLL AUDIT: July 26, 2004

PERIOD EXAMINED: January 1, 2002 through March 31, 2004

EMPLOYER REPRESENTATIVE, IF ANY, PRESENT AT THE TIME OF
THE PAYROLL AUDIT: Ms. Donna Robidux

LOCATION OF EXAMINATION: Same as above.

SUMMARY OR REASON FOR UNDER REPORTED CONTRIBUTIONS:

Due to clerical errors and the omitting of winter layoffs not all hours were reported to the Funds.



Teamster's Local 251 Health Services and Insurance Plan

PAYROLL COMPLIANCE REVIEW

SUMMARY

Employer: Rainha Construction

Period Covered : January 1, 2002 through March 31, 2004

58625

	<u>2002</u>	<u>2003</u>	<u>2004</u>	<u>TOTAL</u>
Health & Welfare	722.12	1,427.20	873.60	<u>3,022.92</u>

AUDIT PERIOD: January 1, 2002 through March 31, 2004
AUDITOR: Richard A. Romagnoli

2002

EMPLOYEE	SSN NUMBER	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL
Kennedy, Charles		2.00											160.00	162.00
	TOTAL	2.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	160.00	162.00

WELFARE	\$4.26	\$4.46	\$8.52	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$713.60	\$722.12
TOTAL			\$8.52	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$713.60	\$722.12

2003

[illegible][illegible]

2004

[illegible][illegible]

EXHIBIT 2

